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09/749,477	12/26/2000	Kevin S. Dick	APP1P002/44379/03330	4385

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EXAMINER

VAN DOREN, BETH

ART UNIT	PAPER NUMBER
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3623

DATE MAILED: 05/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicati n N .

09/749,477

Applicant(s)

DICK ET AL.

Examiner

Beth Van Doren

Art Unit

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-- Th MAILING DATE of this communication appears on the c ver sheet with the c rrespondence address --

P r i d for R ply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disp sition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12/26/00 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Pri rity under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. The following is a non-final, first office action on the merits. Claims 1-18 are pending.

Claim Rejections - 35 USC § 101

2. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 7-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claims directed towards computer program products with computer code elements are considered non-descriptive material unless tangibly embodied.

Claim 7 recites “ A computer program for providing workflow management of a supply chain, comprising (a) computer code for allowing...”. Data structures not embodied on computer readable media are considered descriptive material. They are therefore considered non-statutory because they are not capable of causing a functional change in a computer. As drafted, the claim fails to define any structural and functional interrelationships between the code and other elements of a computer that permit the computer program’s function to be realized, as no recitation of executable code being embodied on any medium or data structure is provided. (See MPEP § 2106) The Examiner suggests the following: “A computer readable medium for storing computer readable code executed by a computer processor to provide workflow management of a supply chain by performing the following steps of: (a) allowing...”.

In light of the above, it is respectfully submitted that claims 7-12 do not have a tangible result, and thus fail to recite the practical application of an abstract idea to satisfy the requirements of 35 U.S.C. 101.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3-7, 9-12, and 14-18 are rejected under 35 U.S.C. 102(b) as being anticipated by Hughes et al. (U.S. 5,893,074).

4. As per claim 1, Hughes et al. teaches a method for providing workflow management of a supply chain, comprising the steps of:

(a) allowing businesses to engage in activities utilizing a network, wherein the activities each include a plurality of steps (See at least figures 3A, 4, and 8, column 1, lines 59-67, column 2, lines 5-15 and 25-35, column 4, lines 43-67, and column 11, lines 1-5, 15-25 and 33-60, wherein businesses engage in activities over a network. Each activity has a plurality of steps);

(b) updating at least one document for each activity upon completion of each of the steps (See at least figures 3A, 4, and 8, column 2, lines 5-15 and 25-35, column 3, lines 1-21, column 5, lines 9-26, column 10, lines 15-30, and column 11, lines 1-5, 15-25 and 33-60, wherein the documents are updated for each activity as the steps are completed);

(c) executing services to acquire information from users utilizing the network (See at least figures 3A, 4, and 8, column 2, lines 5-15 and 25-35, column 3, lines 1-21, column 5, lines 9-26, column 9, lines 65-67, column 10, lines 1-30, and column 11, lines 1-25 and 33-60, wherein information is acquired for users of the network); and

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(d) performing tasks to populate the document with the information gathered by the execution of the services (See at least figures 3A, 4, and 8, column 2, lines 5-15 and 25-35, column 3, lines 1-21, column 5, lines 9-26, column 9, lines 65-67, column 10, lines 1-30, and column 11, lines 1-25 and 33-60, wherein the document of the activity is filled with the information gathered from the users so that the status of the project may be determined and reports can be generated).

5. As per claim 3, Hughes et al. teaches a method wherein the document provides an audit trail of the associated activity (See at least figures 3A, 4, and 8, column 2, lines 5-15 and 25-35, column 3, lines 1-21, column 5, lines 9-26, column 9, lines 65-67, column 10, lines 1-30, and column 11, lines 1-25 and 33-60, wherein the document of the activity is filled with the information gathered from the users so that the status of the project may be determined and reports can be generated. Using this information, the records and financial aspects of the activity may be tracked and checked for compliance).

6. As per claim 4, Hughes et al. teaches a method wherein only a single user can execute a service at a time (See at least figure 6, column 2, lines 35-45, and column 5, lines 15-30, column 6, lines 10-35 and 50-67, column 7, lines 15-30, wherein the negotiation and inputting involves a single user with a specific ID).

7. As per claim 5, Hughes et al. teaches a method wherein the document is published after the services are executed in order to allow the users to initiate the performance of the tasks (See at least figures 3A, 4, and 8, column 2, lines 5-15 and 25-35, column 3, lines 1-21, column 5, lines 9-26, column 9, lines 65-67, column 10, lines 1-30, and column 11, lines 1-25 and 33-60,

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wherein the document is published and kept up to date in order to let various users perform the tasks and access current information).

8. As per claim 6, Hughes et al. teaches a method wherein contracts exist between the steps of the activity, and further comprising the step of enforcing the completion of the steps utilizing the contracts (See at least figures 3A and 3B, column 2, lines 5-15, column 4, lines 35-55, column 5, lines 9-26, column 6, lines 25-40, column 11, lines 15-25 and 33-60, which discusses the contracts that are formed and used to control the steps).

9. As per claims 7 and 9-12, claims 7 and 9-12 recite equivalent limitations to claims 1 and 3-6, respectively, and are therefore rejected using the same art and rationale as applied in the rejections of claims 1 and 3-6, respectively.

10. As per claims 13 and 15-18, claims 13 and 15-18 recite equivalent limitations to claims 1 and 3-6, respectively, and are therefore rejected using the same art and rationale as applied in the rejections of claims 1 and 3-6, respectively.

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 8, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hughes et al. (U.S. 5,893,074).

12. As per claim 2, Hughes et al. teaches a method wherein the businesses produce products (See at least figures 3A, 4, and 8, column 1, lines 59-67, column 2, lines 5-15 and 25-35, column

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4, lines 43-67, and column 11, lines 1-5, 15-25 and 33-60). However, Hughes et al. does not expressly disclose that these products are apparel businesses.

Hughes et al. discloses a management tool for businesses that allows for information to be communicated between parties responsible for the outcome product of the project. Examiner points out that the fact that the business is an apparel business has no functional significance on the limitations of the claims. Therefore, it would have been obvious to one of ordinary skill in the art at time of the invention to use the tool of Hughes et al. in the apparel industry in order to more efficiently and accurately produce products in the businesses of the apparel industry through better communications between suppliers and receivers involved in production. See at least column 1, lines 59-67 and column 3, lines 45-55, of Hughes et al.

13. As per claim 8, claim 8 recites equivalent limitations to claim 2 and is therefore rejected using the same art and rationale as applied in the rejection of claim 2.

14. As per claim 13, claim 13 recites equivalent limitations to claim 2 and is therefore rejected using the same art and rationale as applied in the rejection of claim 2

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Barr et al. (U.S. 5,182,705) teaches managing work and creating an electronic file concerning this work, the file logging activities concerning the work for auditing purposes.

Harvey et al (U.S. 6,519,568) teaches transmitting data of a business over a network and recording, tracking, and delivering this data.

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Parad (U.S. 5,369,570) discloses continuous resource management by maintaining and updating records concerning activities.

Johnson et al. (U.S. 6,067,525) teaches an interface that tracks steps of activities of a user in a business environment.

Du et al. (U.S. 5,826,239) discloses a workflow management tool that includes controlling activities.

Barnard et al. (U.S. 6,714,915) teaches an enterprise system that coordinates, records, and tracks team activities.

Haluska (U.S. 5,638,519) teaches controlling and tracking business transactions.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Beth Van Doren whose telephone number is (703) 305-3882. The examiner can normally be reached on M-F, 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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bvd

April 26, 2004


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